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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,204	12/21/2000	Michael Wilson	003801.P009	1071

7590 12/12/2003

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/12/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747204

Applicant(s)

Wilson

Examiner

Akers, J

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/8/03
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election required by 37 CFR 1.101. Claims _____

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Request for Continued Examination(RCE)

1. This action is issued in response to applicant's Amendment B(Paper # 13) filed 10/8/03 and RCE(Paper # 12) filed 11/12/03.
2. Claims 1,4-8,11,13,15-23,25-27,30-33,39,41-43,45-49,51-52 were amended. No claims were canceled. None were deleted.
3. Claims 1-52 as amended, are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-52 as amended are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363) in view of Dinwoodie(US Pat. No: 6,415,269) and further in view of Fraser(US Pat. No: 6,560,580).

6. As per claims 1-52 Mori teaches a method of communicating information within an auction for a note pertaining to a selected aspect of an auction(Abstract)(Figs 4-7)(col 2 line

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6-col 3 line 15) and where a selected aspect comprises an item offered by the auction(Fig 2/11) and with associating the note with multiple aspects of the auction(Fig 3)(Fig 7) and a menu of the predetermined note types for user selection(Fig 9) as well as displaying a graphic icon adjacent to the text(Fig 3/219) and an auction expiration time(Fig 12/916).Mori teaches displaying a note(Fig 3/216)(Fig 6/512)(col 3 lines 28-52). Mori further teaches a purchaser retrieving [roduct informatin using a web browser and entering automated auction conditions and rules(col 5 lines 60-65)(col 6 lines 10-49).Mori further teaches a retgistrastion number to the client(Fig 8/7121) and a purchaser's ID(Fig 8/7122).Mori teaches a marketplace monitor(Fig 10) that permits an administrator to view marketplace activity.Mori further teaches an auction monitor(Fig 11)(Fig 12)(col 10 lines 19-23) that displays the persons desiring to purchase and the number of bidders(Fig 11/913) and the auction situation and time(Fig 11/916) that enables one to follow activity. Dinwoodie teaches a network based auction(Abstract)(Fig 1) as well as the selected method comprising a user of the networked based auction(Fig 2/40) as well as when the administrator is prompted to display the selected aspect of the online auction(Fig 3) and the interface prompts for a user identifier(Fig 2/48/54/50). Dinwoodie teaches a broadcaster system which would interact with a system administrator(Fig 1/34) for coordination of activities.Fraser teaches the calling of note functions from any one of a selected aspect of the on line auction(Fig 3A) and a customer ID and trade ID(Fig 5/520/530).Dinwoodie teaches auctioneer warnings(col 6 lines 19-29) when the remaining auction time is below threshold. Fraser further teaches issuing an alarm(Fig 5/550) which would be a note to a system administrator.Fraser also teaches a

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timer(Fig 8/980) operation, which can be monitored by a system administrator. Fraser also teaches an auction logic table(Fig 11) incorporating the video attributes of the data array matrices which can be monitored by an administrator and a when state connected to a sequencing processor. Fraser teaches the five states of trading(Table 1)(col 5 lines 16-35) and administrative interactions(col 9 line 31-col 10 line 16). Fraser teaches an auction protocol processor(Abstract). Fraser further teaches a user note creation function in a auction control processor(Fig 11). Fraser teaches a classification processor(Fig 2/130) and security(Fig 2/150) and auction processing(Fig 2/210). Fraser teaches setting pages for customers which can be done by an administrator(Fig 3A) as well as preprogrammed issues(Fig 3C). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Dinwoodie to teach part of the above. The motivation to combine is to teach an interactive auction system to permit remote bidders to participate in a networked based auction process as enunciated by Dinwoodie(col 2 lines 14-29). It would also have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Dinwoodie and further in view of Fraser to teach all of the above. The motivation to combine is to teach an interactive real time, live auction conducted by a live auctioneer over the Internet and which a data processing system is utilized to support a formalized trading protocol governing the control of trading on a bid/offer market as enunciated by Fraser(col 4 lines 15-18).

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Conclusion

7. THIS ACTION IS MADE NON-FINAL.

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8. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA


December 8, 2003

**DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER**